

REMARKS

Claims 1-9 are pending in the present application. Claims 1-7 and 9 are rejected and Claim 8 is objected to. Claim 6 is amended and Claims 1-5 and 8 are cancelled. Applicant reserves the right to prosecute the former claims in a divisional or continuation application. Applicant respectfully requests reconsideration of pending Claims 6, 7 and 9 and in view of at least the following remarks.

I. In the Drawings

The proposed drawing correction filed on January 16, 2003 was accepted by the Examiner. Formal drawings are now required. Therefore, attached are 6 sheets of 9 figures.

II. Claims Rejected Under 35 U.S.C. §102 and §103

The Patent Office rejects Claims 1, 3, 4, 6 and 9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,226,349 B1 issued to Schuster et al. ("Schuster"). In addition, the Patent Office rejects Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Schuster as applied to Claim 1 and further in view of *Elements of X-RAY DIFFRACTION*, Section Edition, B.D. Cullity ("Cullity").

Furthermore, the Patent Office rejects Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Schuster as applied to Claim 1 and further in view of U.S. Patent No. 5,878,106 issued to Fujiwara ("Fujiwara"). Regarding the rejections of Claims 1-5, Applicants respectfully submit that Applicant's cancellation of Claims 1-5 renders the rejections thereof moot.

Regarding Claim 6, Applicants amend Claim 6 to incorporate the allowable subject matter of Claim 8. Accordingly, in view of such amendment, Applicants respectfully request that the Examiner withdraw the §102(a) rejection of Claim 8.

The Patent Office rejects Claim 7 under 35 U.S.C. §103(a) as being unpatentable over Schuster as applied to Claim 6 and further in view of Cullity. Applicants respectfully traverse this rejection.

Regarding Claim 7, Claim 7 depends from Claim 6, and therefore includes the patentable claim features of Claim 6. Accordingly, Applicants respectfully request that the Examiner withdraw the §103(a) rejection of Claim 7.

Regarding Claim 8, Claim 8 is objected to as being dependent upon rejected independent Claim 6. As indicated above, Claim 8 is cancelled and incorporated into Claim 6. Accordingly, the Examiner's objection to Claim 8 is now moot.

Regarding Claim 9, Claim 9 depends from Claim 6, and therefore includes the patentable claim features of Claim 6. Accordingly, Applicants respectfully request that the Examiner withdraw the §102(e) rejection of Claim 9.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: September 19 2003

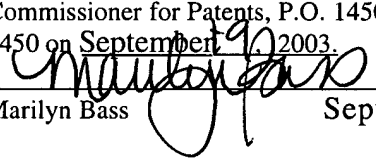
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By: 

Joseph Lutz, Reg. No. 43,765

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450 on September 19 2003.


Marilyn Bass

September 19, 2003



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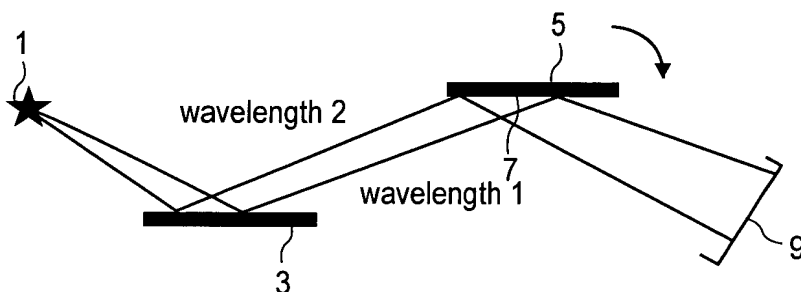


FIG. 1
(PRIOR ART)

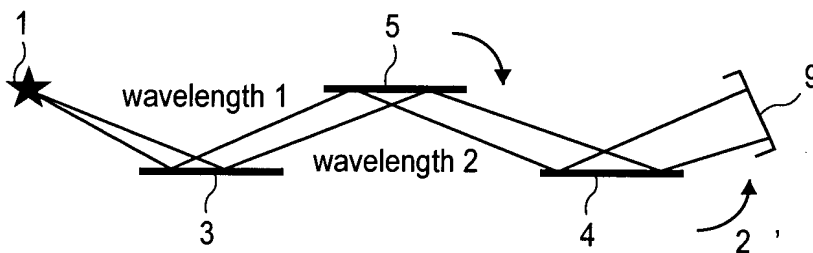


FIG. 2
(PRIOR ART)



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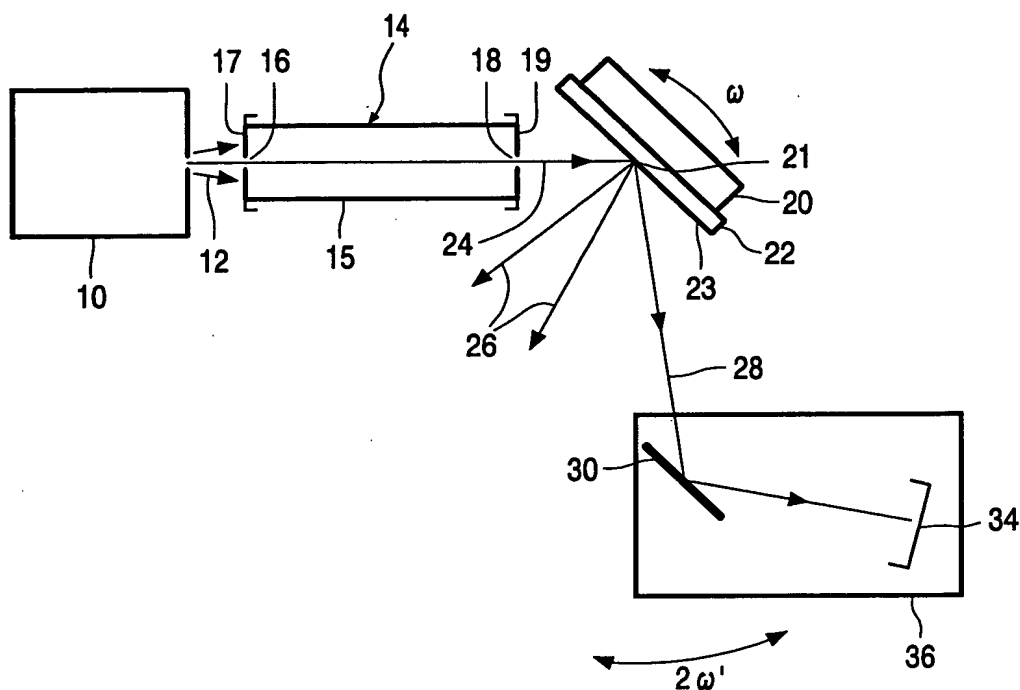


FIG. 3

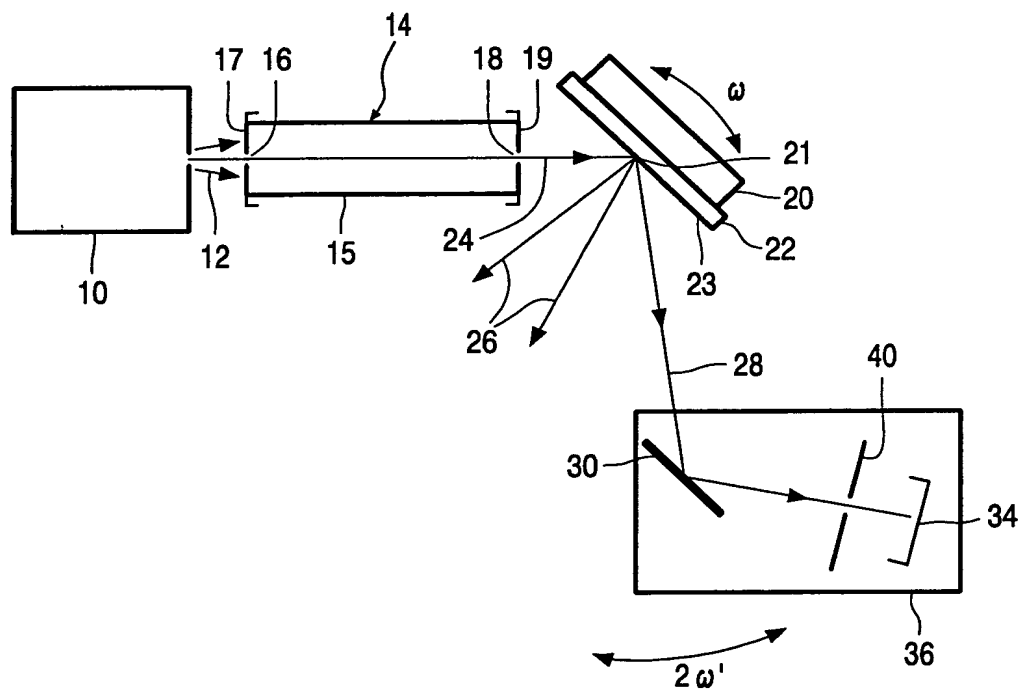


FIG. 6

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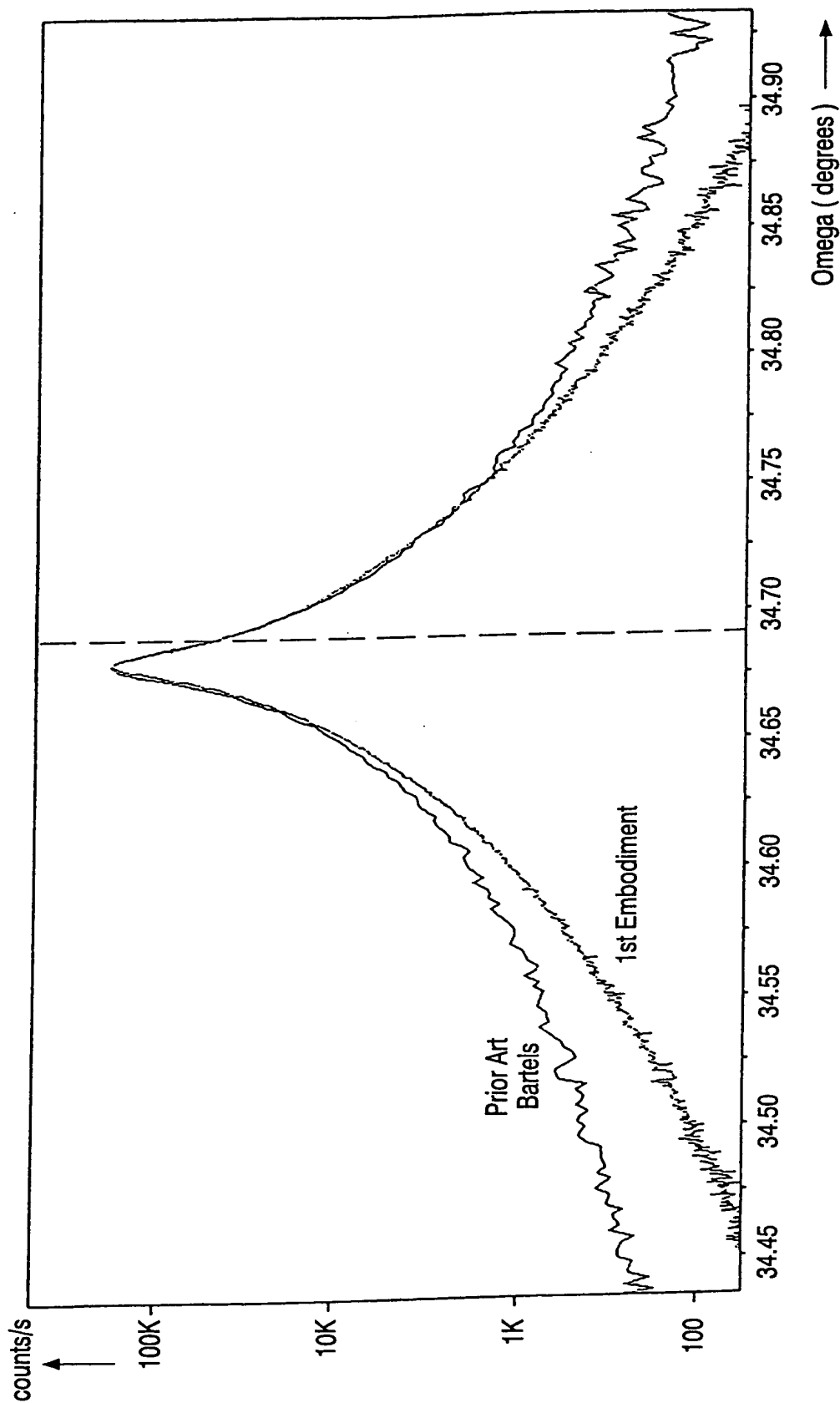


FIG. 4

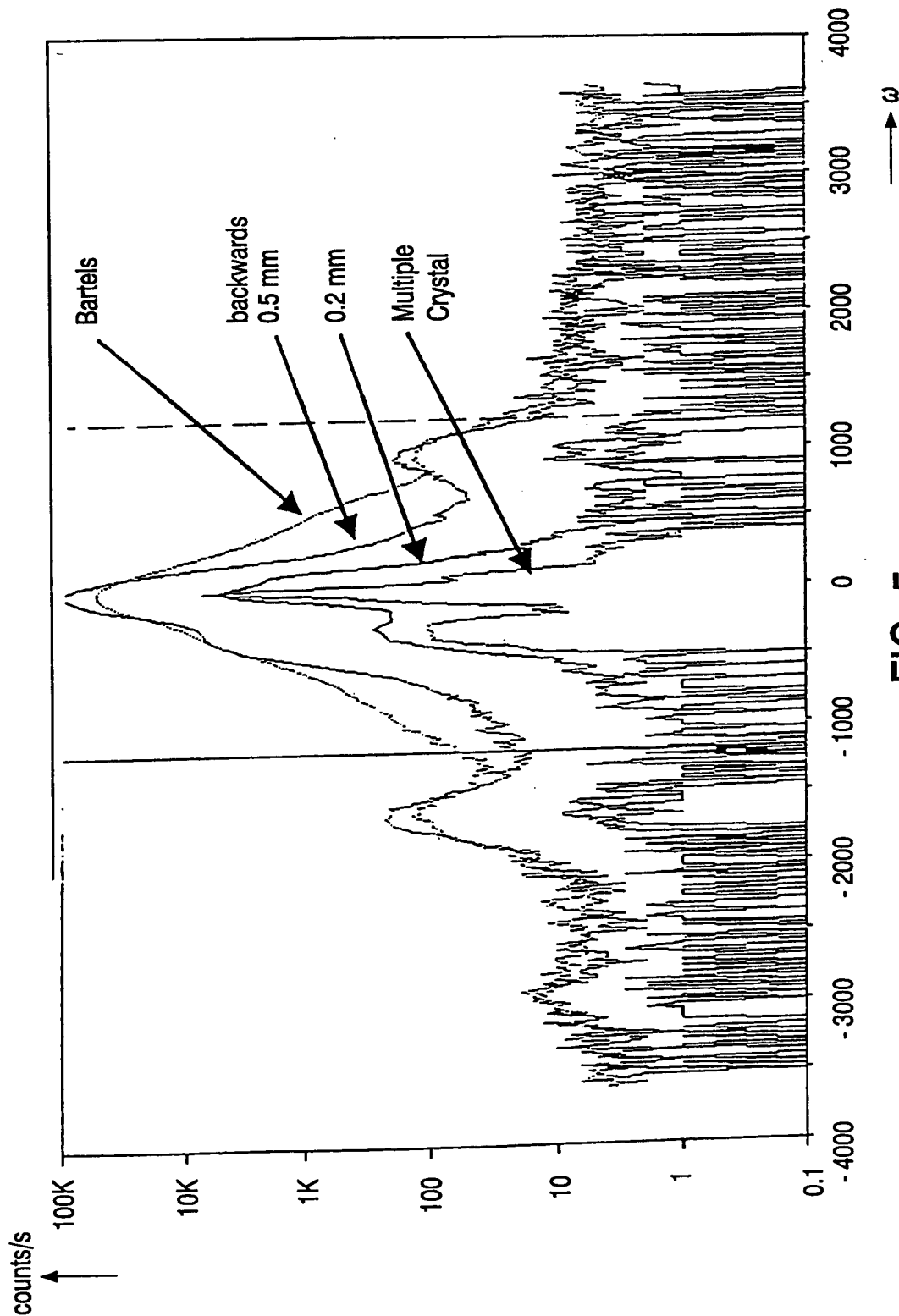
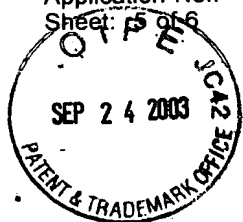


FIG. 5



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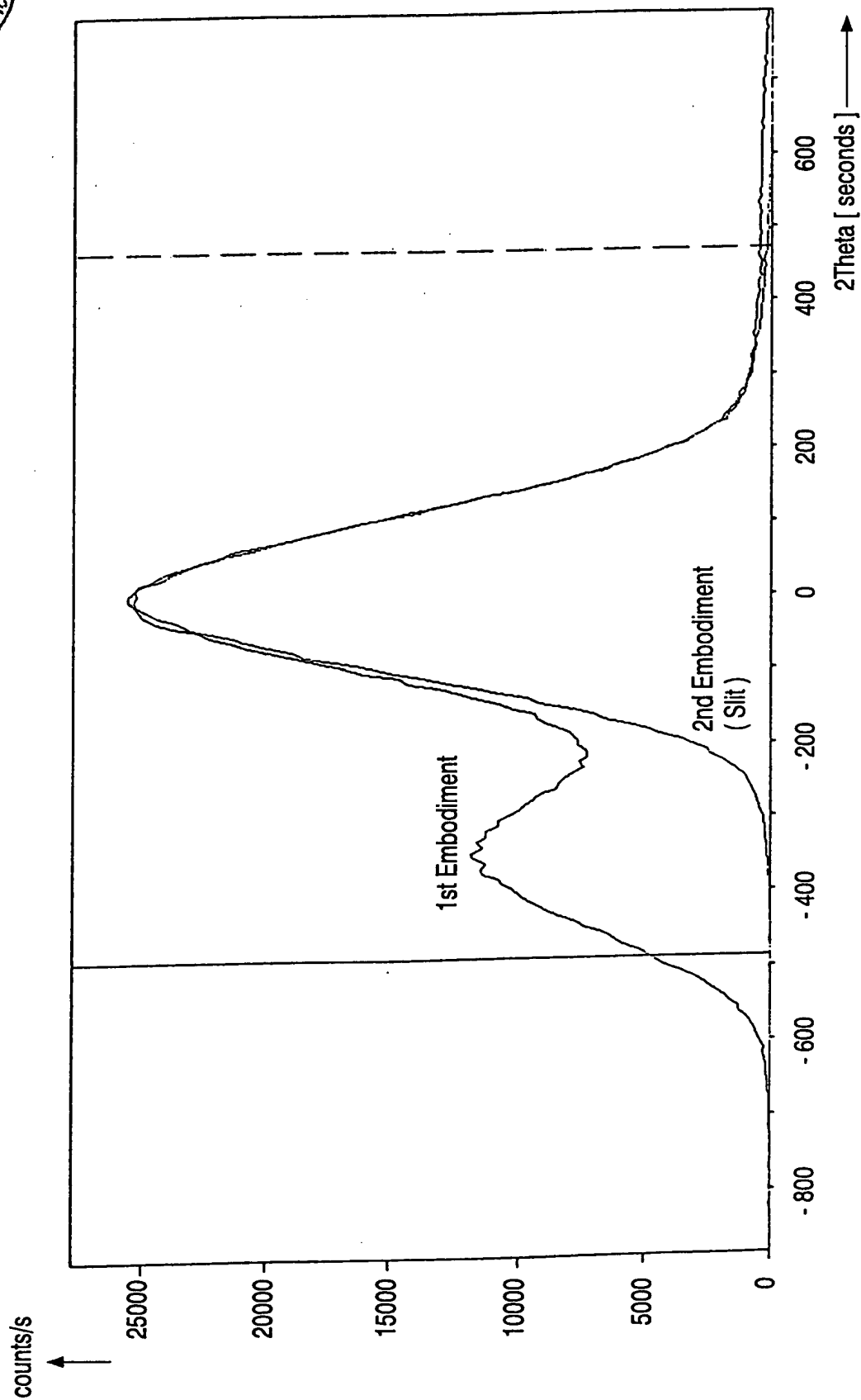
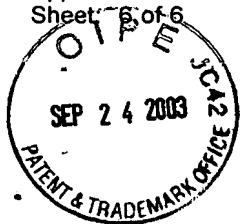


FIG. 7



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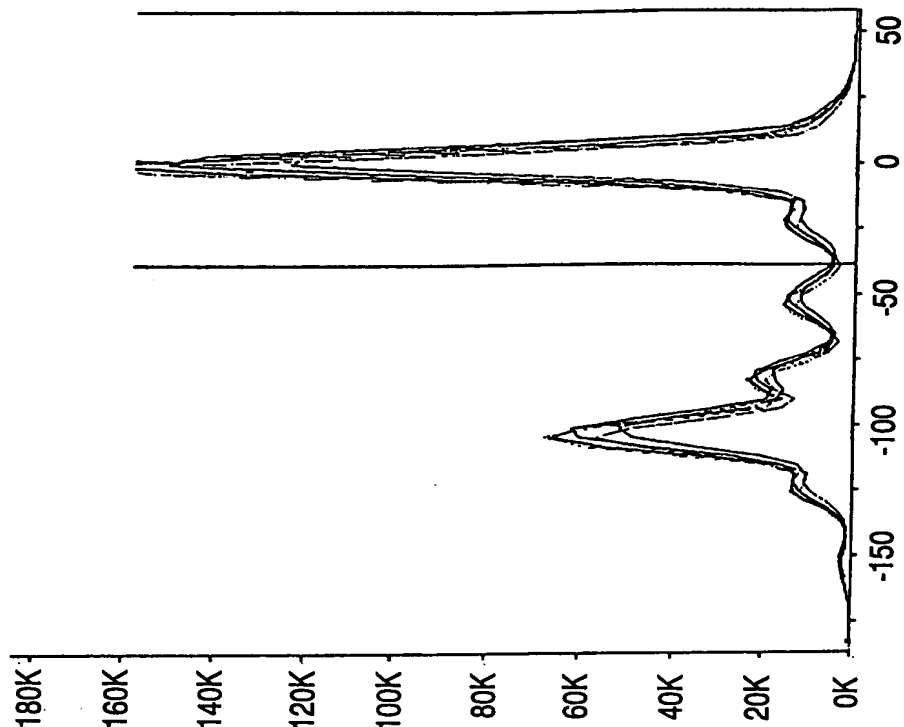


FIG. 8b

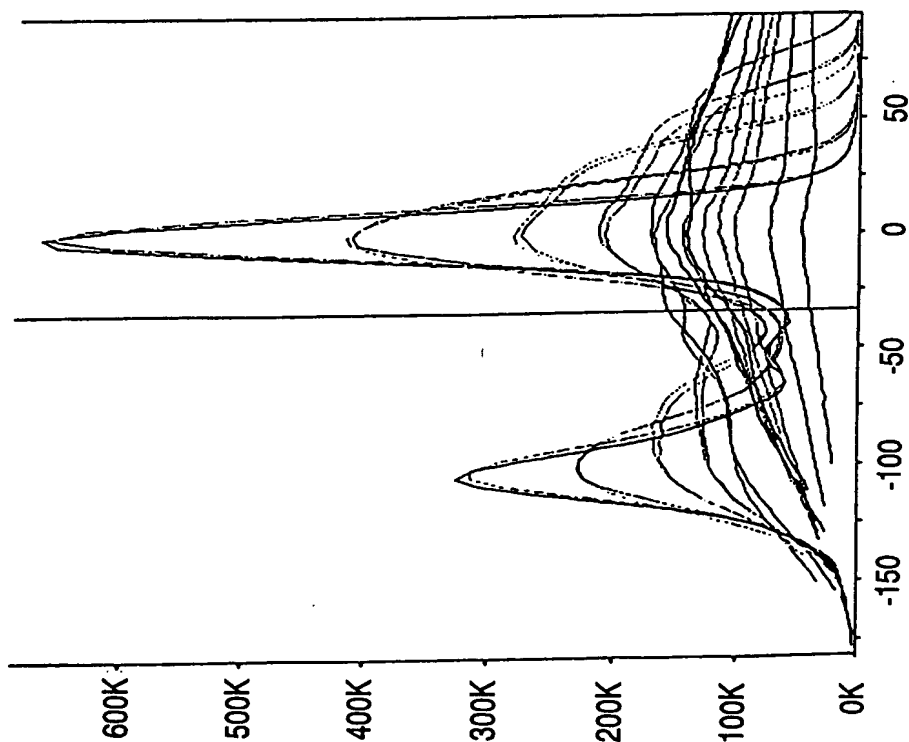


FIG. 8a